Revenue (1947-48) Department.

SERIES

G.O. No. 1657

Dated 14-7-48

[Despatch Abstract.]

47 - Passed during Session 93 situation - Madras Irrigation Works (Repair, improvement and ... tion) Act, 1943 as amended by Madras Act 1 of 1945 Re-enactment Bye-laws framed

GOVERNMENT OF MADRAS.
Abstract.

Acts - The Madras Re-enacting (No. II) Act, 1948 - Publication ordered as Madras Act VIII of 1948.

LEGAL DEPARTMENT

G.O. Ms. No. 85. Dated the 28th April 1948.

Order:-

The Madras Re-enacting (No. II) Act, 1948, will be published in an extraordinary issue of the Fort St. George Gazette in English and in the Tamil, Telugu, Malayalam, Kannada and Hindustani languages as Madras Act VIII of 1948,

(By Order of His Excellency the Governor of Madras).

P.V. Balakrishna Iyer,
Secretary to Government.

To
The Superintendent, Government Press.
The Senior Translator to Government.
The Secretary, Madras Legislature.
The Private Secretary to His Excellency the Governor.
The Departments of the Secretariat (except Finance, Food and Legal).

.....

APPENDIX.

The following Act of the Madras Legislature received the assent of His Excellency the Governor-General on the 24th April 1948 and is hereby published for general information.

ACT NO. VIII OF 1948.

An Act to re-enact certain enactments.

Whereas the Governor of Madras by a proclamation made under section 93 of the Government of India Act, 1935, on the 30th day of October 1939, assumed to himself all powers vested by or under that Act in the Provincial Legislature and in either Chamber of the Provincial Legislature, subject to the provisions contained in the Proclamation; 26 Geo.5. Ch.2.

And Whereas in pursuance of those powers many laws have been enacted;

And Whereas the said Proclamation was revoked by the Governor on the 30th day of April 1946;

And Whereas sub-section (4) of the said section 93 had provided that the laws so enacted should, subject to the terms thereof, continue to have effect until two years elapsed from the date on which the Proclamation ceased to have effect, unless sooner repealed or re-enacted by Act of the appropriate Legislature;

And Whereas notwithstanding the omission of Section 93 from the Government of India Act, 1935, by the India (Provisional Constitution) Order, 1947, the laws aforesaid continue, by 26 Geo.5. Ch.2.

virtue of paragraph 6 of the said Order, to

have effect as described in the foregoing paragraph;

And Whereas it is expedient to re-enact, with suitable modifications, some of the laws aforesaid permanently and some of the other laws for a period of one year,

It is hereby enacted as follows:-

Short title and commencement.

1. (1) This Act may be called the Madras Re-enacting(No. II) Act, 1948.

(2).It shall come into force on the 29th day of April 1948. Provided that the re-enactment of Madras Act XIX of 1942 shall be deemed to have come into force on the 31st day of March 1948.

Permanent re-enactment of certain Acts.

2. The Acts specified in the First Schedule are hereby re-enacted permanently, with the modification specified in section 5.

Permanent re-enactment of certain Acts with modifications.

3. The Acts specified in the Second Schedule are hereby re-enacted permanently, with the modification specified in section 5 and the further modifications specified in the fourth column of that Schedule.

Madras Act I of 1891.

4. (1) The Acts specified in the Third Schedule, with the modification specified in section 5, shall remain in force upto and inclusive of the 29th day of April 1949. TEMPORAR RE-ENACT MENT OF CERTAIN ACTS.

(2) Upon the expiry of the Acts specified in sub-section (1):-

(a) Section 8 of the Madras General Clauses Act, 1891, shall apply as if the Acts so specified had then been repealed by a Madras Act;

(b) save as provided in clause (a), the Acts if any, amended by the Acts so specified have operation as if the latter Acts had never been enacted.

5. In the preamble to each of the Acts specified in the Schedules, for the paragraph containing the enacting formula and the paragraph preceding that paragraph, the following words shall be substituted, namely:- Modificatic of preambles to certain Acts.

"It is hereby enacted as follows:-"

6. The re-enactment of any Act by section 2,3 or 4(1) of this Act shall not be deemed to affect the operation of any amendment made in the Act so re-enacted or in any enactment amended by that Act, on or after the 30th day of April 1946 and before the commencement of this Act. Re-enactmer not to affect oper tion of certain amending Acts passed before this Act.

THE FIRST SCHEDULE.

ACTS PERMANENTLY RE-ENACTED.

(See section 2).

orders whether the Madras Irrigation Works (Repairs, Improvement and Construction) Act, 1943, as subsequently amended may be re-enacted with the modification suggested at 'A' above. Legal may see for remarks before circulation.

x x x
7.8.

R.P.
8.8.

S.Y.K.
10.8.47.

LEGAL DEPARTMENT

I agree with Revenue that the Act as subsequently amended may be re-enacted with the modification suggested at 'A' above.

x x x
12.8.

REVENUE DEPARTMENT

Please see Legal Department note on page 2 ante.

2. The file may be circulated to Hon'ble Minister (Land Revenue) for orders whether the Madras Irrigation Works Act, 1943 may be re-enacted with the modification suggested at 'A' above.

x x x
19.8.

S.Y.K.
20.8.

H.M. (L.R.). x x x
22.8.

With reference to the orders, a draft memorandum is submitted for approval. Legal may see.

x x x
6.9.

S.Y.K.
8.9.

LEGAL DEPARTMENT

The draft memorandum is in order subject to the alterations indicated thereon in red ink. A paragraph has been added regarding the vires of the legislation.

x x x
16.9.

x x x
22.9.

REVENUE DEPARTMENT

A clean copy of the draft memorandum carrying out

LEGAL DEPARTMENT

The Madras Re-enacting and Repealing Bill, 1947 - Inclusion of entries and statement of objects and Reasons relating to the Madras Irrigation Works (R,I.& C) Act, 1943 and Madras Irrigation Works (R.I. and C) Amendment Act, 1945 passed during section 93 situation.

The Madras Irrigation Works (Repairs, Improvement and Construction) Act, 1943 (XVIII of 1943) and the Madras Irrigation Works (Repairs, Improvement and Construction) Amendment Act, 1945 (IV of 1945) were enacted by His Excellency the Governor in exercise of the powers of the Provincial Government assumed by him under a proclamation issued under section 93 of the Government of India Act, 1935. The proclamation was revoked on 30.4.1946 and under section 93(4) of the Government of India Act, 1935, the two Governor's Acts referred to above will be in force till 29.4.1948 if they are not sooner repealed or re-enacted.

2. The Madras Irrigation Works (Repairs, Improvement and ConstructionAct, 1943 as amended by the Amendmant Act of 1945 applies to cases where it is necessary to increase food production. It authorises the Government to repair or improve any existing irrigation works in private ownership or to construct a new irrigation work on land situated in an estate as defined in the Madras Estates Land Act, 1908. It also authorises the Government to supply water from Government irrigation works to private irrigation works. The cost of repairing, improving or constructing any irrigation work will be met by the Government in the first instance and recovered from the persons concerned.

3. The question of repeal or re-enactment of the Madras Irrigation Works (Repairs, Improvement and Construction) Act, 1943 has been lying over pending a decision on the question of introducing the Madras Estates Land Revenue Bill. Please see the notes on pages 3-5 of (U). The Government have since decided to drop the Madras Estates Land Revenue Bill, 1947 and to proceed straightway with the proposal to abolish the Zamindari system, convert the estates into ryotwari and make provision for suitable compensation. Under the proposed scheme for the acquisition of estates and their conversion into ryotwari, an estate to which the proposed Abolition Act is extended will become a ryotwari area and the irrigation sources therein will rest in the Government. The Government can then repair and/or improve any irrigation work in that area and there will be no need for the Irrigation Works (Repairs, Improvement and Construction) Act so far as that area is concerned. But all estates will not be taken over at one and the same time. The estates will be acquired only at the convenience of the Government. It will be sometime before the last estate is acquired and converted into ryotwari. It will be, therefore, necessary to re-enact the Madras Irrigation Works Act, 1943, for the proper maintenance of irrigation works in estates which remain to be taken over.

4. The Madras Irrigation Works (Repairs, Improvement nd Construction) Act, 1943, as subsequently amended applies on o cases where it is necessary to increase food production. In onnexion with a proposal to undertake legislation to empower overnment to execute urgent repairs to irrigation sources in rivate ownership affecting strategic roads it has been uggested that the scope of the Madras Irrigation Works Repairs, Improvement and Construction) Act may be widened to ake it clear that it is not intended only to promote the roduction of more food crops.

5. In the circumstances stated above, it is for

the additions and alterations of the Legal Department is submitted below. The file may now be circulated for orders whether legislation on the lines indicated in the memorandum will be considered necessary. Rule 32(2) of Business Rules.

x x x
25.9.47.

H.M. (L.R.). x x x
25.9.

H.M. (Home). x x x
25.9.

H.M. (Finance). B.G.R.
28.9.

Hon'ble Premier. O.P.R.
15.10.

Copies of the memorandum for legislation at flag (S) will now be circulated simultaneously to each of the other Hon'ble Ministers with reference to Secretariat Instruction 32(2).

x x x
16.10.

S.Y.K.
17.10.

REVENUE DEPARTMENT

Copies of the Memorandum for legislation at (S) have been circulated to all Hon'ble Ministers except Hon'ble Ministers (Land Revenue), (Home), (Finance) and Hon'ble Prime Minister as ordered above. All of them have approved of the propose legislation.

The file may now be sent to Legal for the preparatio of the Bill under Secretariat Instruction.

x x x
20.11.

LEGAL DEPARTMENT

Necessary entries relating to Madras Act XVIII of 1943 and IV of 1945 have been included in the Second and Third Schedules to the Madras Re-enacting and Repealing Bill, 1947 - see page 1 of (N).

2. In pursuance of this Department U.O. Note No. 3331-1 dated the 26th March 1947, a draft of the Statement of Objects and Reasons to be included in respect of the Act is put up at flag (N) and is for acceptance in the Revenue Department.

x x x
10.12.47.

REVENUE DEPARTMENT

Please see the Legal Department note above.

2. The draft statement of Objects and Reasons on pages 7-9 of glag (N) may be accepted and the file returned to Legal.

x x x
16.12.

LEGAL DEPARTMENT

The extracts of the Schedule/of Objects and Statement Reasons have been removed from the file and retained in this Department for use in connexion with the draft Madras Re-enacting and Repealing (No. II) Bill, 1948. After is finally ready, it will be sent to the Revenue Department in due course for ~~it~~ checking the entries with which they are concerned. This file is not required in this Department at present and is therefore returned to the Revenue Department..

x x x
19.12.

REVENUE DEPARTMENT

The receipt of the Bill referred to at 'A' above may be awaited.

x x x
23.12.

Please see the notes above. The Act to re-enact the Madras Irrigation Works (Repairs, Improvement and Constructi Act, 1943, as amended by Madras Act IV of 1945, with specified modification has been published - vide page 98 of the Gazette Extraordinary put up. This has been extended to partially excluded areas also - please see lodged 29291 dated 26.5.1948 (Z1).
X A copy of the Legal Department G.O. directing publication has not been received. It is understood from Legal that the G.O. is under print. Receipt of this G.O. may be awaited till 15.6.1948.

x x x
7.6.

'X' above on page 3 ante:-

2. A copy of theG.O. referred to therein has not been received from Legal as yet. It may be awaited till 1.7.48.

x x x
24.6.

The Legal Department G.O. referred to above has since been received and is put up at (M). It may be communica ed to the Board of Revenue. The draft Endorsement on page 1 of (M) is for approval.

x x x
26.6.

(Issued as Endorsement No. 3149/A/47-6 dated 26.6.48).

Year. (1)	Number. (2)	Short title. (3).
1940	I.	The Madras Local Boards (Amendment) Act, 1940.
1940.	VI.	The Madras Irrigation Cess (Amendment) Act, 1940, as amended by Madras Act III of 1945.
1940.	XVII.	The Andhra University (Amendment) Act, 1940.
1940.	XVIII.	The Madras Village Courts (Amendment) Act, 1940.
1941.	VI.	The Factories (Madras Amendment) Act, 1941.
1941.	X.	The Madras District Municipalities (Amendment) Act, 1941.
1941.	XII.	The Madras District Municipalities and Local Boards (Amendment) Act, 1941.
1941.	XXII.	The Madras City Police (Second Amendment) Act, 1941.
1942.	III.	The Madras University (Amendment) Act, 1942.
1942.	VII.	The Madras District Municipalities (Second Amendment) Act, 1942.
1942.	XIII.	The Madras Irrigation (Voluntary Cess) Act, 1942.
1942.	XXXIII.	The Madras University (Fifth Amendment) Act, 1942.
1943.	XVI.	The Madras Stamp (Increase of Duties) Act, 1943.
1943.	XXVII.	The Madras University (Amendment) Act, 1943.
1944.	IX.	The Madras Regulation of the Sale of Cloth (Repeal) Act, 1944.
1944.	XI.	The Andhra University (Amendment) Act, 1944.
1944.	XVI.	The Andhra University (Third Amendment) Act, 1944.
1944.	XIX.	The Madras District Municipalities (Second Amendment) Act, 1944.
1945.	II.	The Madras Estates Land (Amendment) Act, 1945.
1945.	III.	The Madras Irrigation Cess (Amendment) Act, 1945.
1945.	XIV.	The Madras Estates Land (Second Amendment) Act, 1945.
1946.	IV.	The Madras Gaming (Amendment) Act, 1946.

THE SECOND SCHEDULE.

ACTS PERMANENTLY RE-ENACTED WITH SPECIFIED MODIFICATIONS.

(See section 3).

ear.	Number.	Short title.	Modifications.
1)	(2)	(3)	(4).
40.	XI.	The Mettur Township Act, 1940.	In section 3, for sub-section (1), the following sub-section shall be substituted.

(1)	(2)	(3)	
			namely:- "(1) The Township Committee shall consist of nine members who shall be appointed by the Provincial Government or by an authority or officer empowered, by them in this behalf. Of the nine members, not less than four shall be non-officials of whom one shall be a representative of industrial interests in the township and two of labour interests therein".
1940.	XV.	The Madras Live-stock Improvement Act, 1940.	1. In section 2, clause (c), for the words "Director of Veterinary Services" the words "Director of Animal Husbandry shall be substituted. 2. In section 10, clause (a), for the words "officer of the Veterinary Department not below the rank of Veterinary Assistant Surgeon", the words "officer of the Animal Husbandry Department not below the rank of Assistant Surgeon" shall be substituted 3. In section 14, for the word "Veterinary" the words "Animal Husbandry" shall be substituted. 4. Section 21 shall be omitted.
1941.	I.	The Madras Hackney Carriage (Amendment) Act, 1941.	For the further proviso added by section 2, the following proviso shall be substituted, namely:- "Provided further that the Commissioner shall have power:- (i) to limit the number of vehicles of any description which may be registered annually, in which case no vehicle of that description shall be registered in any year in excess of the number so limited; (ii) to refuse to register vehicles of a particular description, in which case no vehicle of that description shall be registered".
1941.	II.	The Madras State Aid to Industries (Amendment) Act, 1941.	For the words "Board of Revenue" wherever they occur, the words "Director of Industries", and for the words "granted by the Board" the words "granted by the Director", shall be substituted.
1942.	XIX.	The Andhra University (Temporary Amendment) Act, 1942.	1. In the long title, for the word "temporarily", the word "further" shall be substituted. 2. For the first four paragraphs of the preamble, the following paragraph shall be substituted, namely:- "Whereas it is expedient further to amend the Andhra University Act, 1925, for the purpose hereinafter appearing"; MADRAS ACT II of 1926.

No further action is necessary in this file. The papers may now be recorded.

x x x x
13.7.

G.O. Ms. No. 1657 dated 14.7.1948.

Acts - Passed during section 93 situation - The Madras Irrigation Works (Repairs, Improvement and Construction) Act, 1943 as amended by Madras Act IV of 1945 - Re-enactment - Papers recorded.

....

/True copy

Office Assistant,
Madras Record Office.

28/7/54.

(1)	(2)	(3)	(4)	
			3. In section 1, sub-section (1), for the words "Temporary Amendment", the words "First Amendment" shall be substituted.	
			4. In the same section, in sub-section (2), the words "and shall be in force until the termination of the present hostilities and for two years thereafter" shall be omitted.	
			5. For section 2, the following section shallbe substituted, namely:-	
Repeal of section 6(3), Madras Act II of 1926.			"2. In the Andhra University Act, 1925, sub-section (3) of section 6 shall be omitted".	
1942.	XXXII.	The Andhra University (Second Amendment) Act, 1942.	Section 26 and 27 and the heading thereto shall be omitted, section 25 shall be renumbered as section 26, and for section 24, the following sections shall be substituted, namely:-	
			"24. For Chapter X of the said Act, the following Chapter shall be substituted, namely:-	
			"Chapter X - Miscellaneous.	Substitut of new Ch pter for Chapter X Madras Ac II of 192
			44. If any difficulty arises as to the constitution or re-constitution of the Senate, the Syndicate, the Finance Committee or the Academic Council, or otherwise in giving effect to the provisions of this Act, the Provincial Government, as occasion may require, may by order, do anything which appears to them necessary for the purpose of removing the difficulty".	Power to remove difficul ties.
			25. The Schedule to the said Act shall be omitted".	Repeal of the Schedule Madras Act II of 1926.
1943.	XVIII.	The Madras Irrigation Works (Repairs, Improvement and Construction) Act, 1943, as amended by Madras Act IV of 1945.	1. In the preamble, the words "for the purpose of maintaining and increasing the production of food in the present emergency in the Province of Madras" shall be omitted.	
			2. In section 2, the words "in order to maintain or increase the production of food in the Province" shall be omitted.	
1943.	XXI.	The Madras Proprietary Estates' Village Service and Hereditary Village offices (Amendment) Act, 19	1. Sub-section (2) of section 2 shall be omitted and sub-section (1) of that section shall be renumbered as section 2.	

(1)	(2)	(3)	(4)
			2. In section 2 as so renumbered in the opening paragraph, for the word. brackets and figure "renders war service as defined in sub-section (2)", the words "has rendered war service", and for the words "has attained or attains majority", the words "attained majority" shall be substituted.
			3. In the same section, in the Explanation added by paragraph (b), for the words, figures and brackets "as in sub-section (2) of section 2 of the Madras Proprietary Estates' Village Service and Hereditary Village-offices (Amendment) Act, 1943", the words, figures and brackets "as in th the Madras Civil Services (War Service Personnel) Recruitment Rules, 1941, as in force for the time being" shall be substituted.
1943.	XXVI.	The Andhra University (Second Amendment) Act, 1943.	In section 1, for sub-section (2), the following sub-section shall be substitute namely:- "(2) This section shall come into orce at once and section 2 on the 15th ebruary 1944".
1944	I.	The Madras Estates Land (Temporary Amendment) Act, 1944. /the continuance of the	1. In the preamble, the words "in the present emergency" shallbe omitted. 2. In section 2, in the openingparagraph, the words "at any time during/present war or within a period of one year from the termination thereof" shall be omitted.
1944.	XV.	The Andhra University (Second Amendment) Act, 1944.	1. In section 3 (which alters the constitution of the Syndicate of the University), for the words "five persons nominated by the Chancellor of whom two shall be persons recommended by the Maharaja Saheb of Jeypore", the words, "five persons nominated by the Chancellor of whom one shall be a person recommended by the Maharaja Saheb of Jeypore", and for the words "two persons shall be nominated on the recommendation of the Maharaja Saheb" occurring in the proviso, the words "a person shall be so nominated on the recommendation of the Maharaja Saheb" shall be substituted. In section 4(which alters the constitution of the Finance Committee of the University), for the words "a member nominated to the Syndicate on the recommendation of the Maharaja Saheb of Jeypore", the words "the member nominated to the Syndicate on the recommendation of the Maharaja Saheb of Jeypore" shall be substituted. After section 4, the following section shall be added, namely:-

and the contingent and other expenditur incurred by him in performing his functions under this Act and the rules made thereunder in respect of the plantation or ward.

(2). The Collector may, by order, direct that the whole of the cost as determined under sub-section (1) for the plantation or for all the wards therein, as the case may be, or such part of the cost as the Collector may think fit, shall be paid by the owner of the plantation before a date which shall be specified in the order.

(3). Any sum ordered to be so paid shall be a charge on the plantati[illegible] and may be recovered from the owner thereof for the time being, as if it were an arrear of land revenue".

THE THIRD SCHEDULE.

Acts temporarily re-enacted for a period of one year

(See section 4(1)

Year.	Number.	Short title.
(1)	(2)	(3).
1941.	XVIII.	The Madras Proprietary Estates' Village-service and Hereditary Village-offices (Amendment) Act, 1941.
1941.	XIX.	The Madras Public Health (Amendment) Act, 1941
1942.	I.	The Madras District Municipalities (Amendment) Act, 1942.
1942.	XXVIII.	The Madras Hereditary Village-offices (Amendment) Act, 1942.
1944.	V.	The Madras Hindu Religious Endowments (Amendment) Act, 1944 as amended by Madras Act X of 1946.
1944	XIII.	The Tirumalai-Tirupati Devasthanams (Amendment) Act, 1944.
1946.	X.	The Madras Hindu Religious Endowments (Amendment) Act, 1946.

/True copy/

Office Assistant,
Madras Record Office.

k.y.s.

(1)	(2)	(3)	(4)
			"5. Notwithstanding any thing contained in the said Act, the term of office of the members of the Syndicate and of the member of the Finance Committee who were nominated to those bodies by the Chancellor on the recommendation of the Maharaja Saheb of Jeypore or his successors and who may be holding office on the date on which the Madras Re-enacting (No.II) Act, 1948, comes into force shall expire on that date; and in their places, the Chancellor shall nominate one person to be a member of the Syndicate of the University on the recommendation of the Maharaja Saheb of Jeypore or his successors, in accordance with the provisions of section 18 of the said Act, such person being also nominated to be a member of the Finance Committee of the University, in accordance with the provisions of section 19-A of the said Act as so amended.
			The person so nominated shall, subject to the provisions of the said Act, hold office as a member of the Syndicate and of the Finance Committee until the next reconstitution of those bodies
			Sections 5 to 11 shall be re-numbered as sections 6 to 12 respectively, and the following shall be inserted as section 5, namely:-
			"5. After section 5 of the said Act, the following section shall be inserted, namely:-
			"5-A. (1) If any person in the service of the Provincial Government is appointed to be registrar for any plantation or ward thereof, the Collector shall determine every year the cost of such appointment to the Government during the previous year; such cost shall include the salary, allowances and travelling allowances of the registrar, contributions, if any, to his provident fund, contributions necessary to meet his leave allowances and pension,

Term of office of member nominated to the Syndicate and Finance Committee on the recommendation of the Maharaja Saheb of Jeypore.